



## **PLANNING & DEVELOPMENT COMMITTEE**

**17 DECEMBER 2020**

### **REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/1141/10 (GD)  
**APPLICANT:** Groesffordd Homes Ltd  
**DEVELOPMENT:** Change of house type from two pair of semi-detached to two detached dwellings.  
**LOCATION:** RHIGOS ROAD, HIRWAUN, ABERDARE, CF44 9UH  
**DATE REGISTERED:** 19/10/2020  
**ELECTORAL DIVISION:** Rhigos

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**RECOMMENDATION:** Approve

**REASONS:** The principle of the proposed development is well established and remains acceptable. Additionally the change of house type is more in keeping with the style of housing already established at Halt Close and Halt Road a small enclave of dwellings located between Rhigos and the Hirwaun Industrial Estate.

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#### **REASON APPLICATION REPORTED TO COMMITTEE**

- The proposal is not covered by determination powers delegated to the Director of Prosperity & Development

#### **APPLICATION DETAILS**

The application proposes the replacement of previously approved two pairs of semi-detached houses with two detached dormer bungalows. The design of the bungalows reflects the semi front-gabled design established elsewhere in the locality. The bungalows will comprise kitchen/diner, living room, study, family room, utility room bathroom and one bedroom on the ground floor with a further three en-suite bedrooms built into the roof space. The bungalows would be finished in the same combination of brick and roof tile established on the wider development.

Access to the development would remain as previously established with the junction formed on to Halt Close, with off road parking available on private drives to the side of each dwelling

## **SITE APPRAISAL**

The application was previously the site of the Aman Metal Spinners factory which closed approximately 20 years ago. The site forms part of the wider site previously granted permission for residential redevelopment and is located on the south western side of the site adjacent to the Rhigos Road bus pull in. The site is currently clear and vacant and is a broadly rectangular area of flat land. The individual dwellings of Halt Close lie to the north west of the site with the industrial estate to the north east. South east of the site are the two small dwellings, Clydfan and Brynteg, with Rhigos Road to the south west.

## **PLANNING HISTORY**

04/2264	Erection of 19 dwellings with garages estate road and highway improvements (demolition of existing buildings)	Approved 19/09/05
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## **PUBLICITY**

The application has been advertised by means of site notices and neighbour notification letters and no objections or observations have been received

## **CONSULTATION**

Transportation – No objections subject to the re-imposition of conditions applied to the original grant of planning permission.

Flood Risk Management – does not offer any objection or recommendation for condition in relation to surface water flood risk for this application as they are satisfied that the developments surface water flood risk will be adequately managed by both the Building regulations and Schedule 3 of the Flood and Water Management Act 2010.

With regard to the detailed design of the development the applicant should be made aware of the requirement of 'Schedule 3 of the Flood and Water management act 2010' the summary explanation is as follows:

*'From the 7th January 2019 all surface water drainage for new developments are required to comply with mandatory National Standards for [Sustainable Drainage systems](#) which will be demonstrated through the application of Sustainable Drainage*

*Approval to the Sustainable Drainage Approval Body (SAB) prior to the commencement of works.'*

In addition to the requirement to undertake SuDs approval the applicant should be reminded that SuDs approval is **Outside of the Town and Country Planning Act** and is **not available retrospectively**

Public Health & Protection – No objections subject to conditions

Natural Resources Wales – No objections

Dwr Cymru Welsh Water – No response received

Western Power Distribution – If a new connection or service alteration is required then the consent of Western Power Distribution will be required.

Mid Glamorgan Fire & Rescue Service – raise no objection subject to the developer ensuring that adequate water supplies are available to the development for firefighting purposes and the provision of adequate access for emergency firefighting appliances.

GGAT – As archaeological advisors to your Members, we have no objections to the positive determination of the application.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

**Policy CS1** – places an emphasis on building strong and sustainable communities in the Northern Strategy Area by amongst other things by providing high quality affordable accommodation that promotes diversity in the residential market.

**Policy AW2** - advises that development proposals on non-allocated sites will only be supported in sustainable locations.

**Policy AW5** - sets out criteria for new development in relation to amenity and accessibility.

**Policy AW6** - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

**Policy AW10** - development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

### **Supplementary Planning Guidance**

Design and Placemaking

Access Circulation and Parking

### **National Guidance**

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 10 (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments. Other relevant national policy guidance consulted:

*(Insert as appropriate from following list)*

PPW Technical Advice Note 12: Design;  
PPW Technical Advice Note 18: Transport;  
PPW Technical Advice Note 23: Economic Development;  
Manual for Streets

## **REASONS FOR REACHING THE RECOMMENDATION**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

### **Main Issues:**

The key issues in the consideration of the planning application are the principle of development itself taking into account the history of the site, the impact of the proposals on residential amenity and privacy, and the impact on the character and appearance of the area.

### **Principle of the proposed development**

The application site lies outside of the settlement limits defined by the adopted local development plan and this of itself would normally raise an objection to the current

proposals on planning policy grounds and this would be in accordance with the requirements of Section 38(6) as outlined above. However, in this instance, the site benefits from an extant planning permission that predates the adoption of the local development plan. This is a substantial material consideration, particularly as the extant consent allows the current owner to build a total of four dwellings on this part of the site rather than the two currently proposed.

### **Impact on the character and appearance of the area**

The application site was previously occupied by a factory unit and the wider site has been redeveloped in part in the last 15 years. It currently presents the appearance of a building site requiring completion. The development of the application plot for two substantial bungalows would bring the wider site nearer to completion which of itself would represent a substantial improvement to the character and appearance of a highly visible site. Additionally the bungalows are of a design that though individual in itself reflects the design style used elsewhere on the site and on Halt Close itself. As such it adds to the variety of the locality in a positive and constructive manner. As such, the impact of the proposals on the character and appearance of area is positive and acceptable.

### **Impact on residential amenity and privacy**

The proposals would help move the site towards a completion which has clear and obvious benefits to the residential amenity of the wider area and in this respect the proposals are entirely acceptable. The application site is located centrally on the southern side of the wider site. To the south lies Rhigos Road with undeveloped ground beyond. To the north lies the balance of the development site, where the current proposals match the building lines established by the earlier consent on this site, which is itself still under development. As such the privacy issue in both directions presents no issue. However, the current proposals also involve the provision of bedroom windows in the east elevation of the first plot and the west elevation of the second, the design of the two being a handed (mirrored) arrangement. This has some capacity to overlook properties proposed to the plots either side of the current proposals to a greater degree than the previous arrangement and if unaddressed could prove unacceptable in planning terms due to the degree of overlooking it would afford. However this issue can be addressed through the imposition of a condition to appropriately obscurely glaze the windows to bedroom 3 of both proposed dwellings.

### **Community Infrastructure Levy (CIL) Liability**

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended however, the application lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable and therefore no CIL is payable.

## **Conclusion**

The application is considered not to comply with the relevant policies of the Local Development Plan in respect of where development should be located. In this instance however, there are clearly overriding material considerations, as outlined above. Furthermore the proposals are compliant with the requirements of policy where it touches on issues such as design and the impact of the proposals on the character of the area, or the impacts on privacy and residential amenity. As such support is offered for the current proposals.

## **RECOMMENDATION: Grant**

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The consent hereby granted refers to the proposed change of house types from 2 pairs of semidetached houses to 2 no. detached dwellings: plots 3, 4, 5, & 6 Groesffordd, Rhigos Road Hirwaun Drawing no. 2751 NB dated 07/09/2020.

Reason: for the avoidance of doubt as to the approved plans.

3. Notwithstanding the development hereby approved, the proposed window within bedroom 3 of both dwellings shall be fitted with obscure glazing to an industry standard of privacy level three or above, and maintained in perpetuity as such. (Any part of the window[s] that is less than 1.7m above the internal floor of the room in which it is installed shall be non-opening). The windows shall be permanently retained in that condition thereafter.

Reason: in the interests of the privacy and amenity of neighbouring residents in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

5. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

6. Building operations shall not be commenced until samples of the external finishes proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

7. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless otherwise agreed in writing by the Local Planning Authority:
  1. A desk-top study to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
  2. A site investigation shall be carried out to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been agreed in writing with the Local Planning Authority.
  3. A written method statement for the remediation of contamination affecting the site

Reason In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan

8. No dwelling, hereby permitted, shall not be occupied until the measures approved in the scheme (referred to in Condition 7 have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority

Reason In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

9. If during development works any contamination is encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to the Local Planning Authority. The development shall not re-commence until the additional proposals have been agreed in writing by the Local Planning Authority.

Reason In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

10. Notwithstanding the submitted plans, no works whatsoever shall commence on site until full engineering details of the road layout with sections, street lighting and surface-water drainage etc. have been submitted to and approved in writing by the Local Planning Authority, the development shall be carried out in accordance with the approved engineering details.

Reason: to ensure the adequacy of the proposed development, in the interest of highway safety.

11. Prior to the development being brought into use, the site boundary fronting Rhigos Road shall be set back and a 2.0m. footway provided along the frontage in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site.

Reason: To ensure the adequacy of the proposed development, in the interests of highway safety.

12. Prior to the development being brought into beneficial use, the required improvements to Halt Close and the proposed Halt Close/Rhigos Road junction together with vision splays, shall be laid out and constructed in



accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the adequacy of the proposed development, in the interest of highway safety.